

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-661-C - ORDER NO. 95-1446
AUGUST 16, 1995

IN RE: Application of AT&T Communications of) ORDER
 the Southern States, Inc. for Approval) GRANTING
 of Alternative Regulation of Certain) WAIVER OF
 Services in South Carolina.) REG. 103-875

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of AT&T Communications of the Southern States, Inc. (AT&T) wherein AT&T requests a waiver of 26 S.C. Code Ann. Regs. 103-875. AT&T's request was filed pursuant to 26 S.C. Code Ann. Regs. 103-803 (1976).

On August 7-8, 1995, the Commission convened a public hearing in the above referenced matter. At the conclusion of the hearing, AT&T requested that briefs be allowed and a that briefing scheduled be arranged.

26 S.C. Code Ann. Regs. 103-875 provides that "the presiding officer shall fix the time and service of briefs." Reg. 103-875 further provides that "[w]ithout special permission, however, the time in which to file briefs shall not exceed 30 days from the close of the hearing."

By letter dated August 8, 1995, AT&T requests a waiver of the thirty (30) day time limit in which to file briefs. AT&T states

that it is informed by the Commission Staff Counsel that the transcripts from the hearing will not be available until August 28, 1995. AT&T offers that thirty days from the close of the hearing does not allow adequate time to prepare the briefs in this case. Moreover, AT&T states that preparation for and participation in the upcoming hearings scheduled in the combined Dockets 95-720-C and 95-862-C further complicates the preparation of briefs in the instant matter. For the foregoing reasons, AT&T requests that the time for filing briefs be set at forty-five (45) days from the receipt of the hearing transcripts.

26 S.C. Code Ann. Regs. 103-803 provides that the Commission may waive the application of a rule or regulation where compliance with the rules and regulations produces unusual hardship or difficulty and where such waiver is in the public interest.

Upon consideration of this matter, the Commission believes and so finds that AT&T has established sufficient difficulty in this instance to request a waiver of the rules. Further, the Commission finds that a waiver of the rule is in the public interest as the Commission.

IT IS THEREFORE ORDERED THAT:

1. The thirty (30) day time frame in which to file briefs contained in 26 S.C. Code Ann. Regs. 103-875 is hereby waived.
2. Briefs in the above referenced matter shall be due forty-five (45) days from the date the parties receive the transcripts.

3. This order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)